

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *gj* D.C.
05 JUN -6 PM 3:15

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

GREAT AMERICA LEASING
CORPORATION,

Plaintiff,

v.

No. 05-2365-B/P

BETHEL AME CHURCH, et al.,

Defendants.

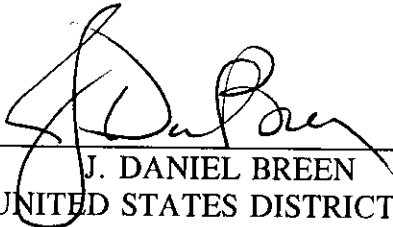
ORDER GRANTING MOTION TO REMAND

Before the court is a pleading entitled "Motion for Withdrawal of Removal Notice" filed by the Defendant, Bethel AME Church. According to the docket sheet, on May 16, 2005, Bethel AME Church, through its counsel, filed a notice of removal of this lawsuit from the Iowa District Court in and for Linn County [Iowa] to this Court. Apparently no service has been made against the Plaintiff of this notice of removal nor has any other action been taken relative to the removal. Construing Defendant's motion as a motion to remand, which inasmuch as no other party has appeared or responded to the notice of removal, the Court will GRANT the motion.¹

¹ Based on a review of the pleadings accompanying the notice to remand, the Court would have most likely dismissed the removal because it did not comply with 18 U.S.C. § 1446(a) under which the removal was attempted. §1446(a) only speaks to a removal from a State court to a district Court of the United States "for the district and division within which such action is pending." Obviously, Linn County, Iowa is not located in the Western District of Tennessee.

Accordingly, for the reasons stated herein, the Defendant's motion for withdrawal of removal notice, which the Court construes as a motion to remand, is GRANTED. This matter is hereby remanded to the Iowa District Court in and for Linn County, Iowa.

IT IS SO ORDERED this 3rd day of June, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02365 was distributed by fax, mail, or direct printing on June 7, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT